

REMARKS

Claims 1-23 were pending in this matter at the time of the Office Action. As a result of this response, claims 9, and 16-20 have been cancelled, claims 1, 8, 10-14, and 22-23 have been amended. The response below is made in view of the claims as they stand after these changes.

Specification

The specification has been amended to add material from the parent application and as such, no new matter has been added to the specification.

Double Patenting

The Examiner has rejected claims 1-23 based on nonstatutory double patenting. However, all remaining claims have now been amended and the double patenting rejection should be reconsidered.

Claim Rejections – 35 USC §102

The Examiner has rejected claim 1 under 35 USC §102(b) as being anticipated by Fogal (U.S. Patent Number 5,073,217) who is also the Applicant in the present application. The Examiner states that Fig. 3 of Fogal '217 shows a self-contained batch M.

The Applicant traverses the Examiner's argument for at least the following reasons. Element M does not represent a self-contained batch, but rather a pile of free-flowing pulverulent particles. Fig. 3 of Fogal '217 shows pulverulent material 20 flowing through valve stem 14 and deposited in a mound M, or pile, onto the interior I of a tire T. In the present application at page 3, lines 6-14, as originally filed and as amended, the Applicant discusses this prior art method

and the limitations of this prior approach which are overcome by the present invention. Mound M is a pile of particles of a pulverulent material. The particles are not in a bag as required by claim 1, as amended. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

The Examiner has rejected claim 1 under 35 USC §102(b) as being anticipated by Narang (U.S. Patent Number 4,269,451). The Examiner states that Narang '451 teaches a method comprising the steps of compensating material in the form of liquid 37 and balls 40 disposed within a self-contained batch 35.

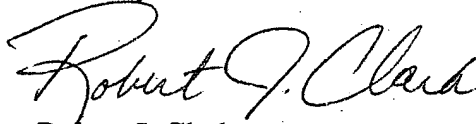
The Applicant traverses the Examiner's rejection for at least the following reasons. Claim 1, as amended, requires that the compensating material is released from the bag. This clearly distinguishes over the device 35 of Narang '451 which does not allow the balls and liquid to be released from device 35. The balls and liquid are retained within device 35. It is therefore believed that claim 1, as amended, clearly distinguishes over Narang, and withdrawal of the rejection is respectfully requested.

Information Disclosure Statement

It is noted that a timely filed information disclosure statement was filed in the present case on October 24, 2001. It is unknown if the Examiner did not receive the IDS due to problems with the mail. If the IDS has still not been received, a call to the Attorney at (330) 864-5550 would be appreciated so that the issue may be resolved.

In view of the claim amendments and of the arguments set forth above, prompt reconsideration and allowance of the claims is earnestly requested.

Respectfully submitted,
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A handwritten signature in cursive script, reading "Robert J. Clark".

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